

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EDWIN J. COHENS,  
Plaintiff,  
v.  
JAMES COMEY, et al.,  
Defendants.

Case No. [15-cv-04342-JCS](#)

**ORDER GRANTING MOTION TO  
DISMISS**

Re: Dkt. No. 13

Plaintiff Edwin J. Cohens, pro se, brought this action to request documents from the Federal Bureau of Investigation and its director James Comey (collectively, the “FBI”) under the Freedom of Information Act (“FOIA”). The FBI moves to dismiss on the basis that the Court lacks jurisdiction because Comey has not exhausted his administrative remedies. Mot. (dkt. 13) at 5–6 (citing, *e.g.*, *In re Steele*, 799 F.2d 461, 465 (9th Cir. 1986)). Although Cohens filed an opposition, it states that he “has no problem with the Court if it dismisses the case due to jurisdiction issues” because “the rules must be followed.” Opp’n (dkt. 15) at 1. Cohens also indicates that he has begun the administrative process required by FOIA. *Id.* The FBI’s Motion is therefore GRANTED, and this action is dismissed without prejudice for lack of jurisdiction.<sup>1</sup> The Court need not reach the FBI’s argument that Comey is not a proper defendant. *See* Mot. at 6–7.

**The hearing and case management conference previously set for February 19, 2016 are hereby vacated.** The Clerk is instructed to close the file.

**IT IS SO ORDERED.**

Dated: February 12, 2016.

  
JOSEPH C. SPERO  
Chief Magistrate Judge

<sup>1</sup> The parties have consented to the jurisdiction of a magistrate judge for all purposes pursuant to 28 U.S.C. § 636(c). The parties’ consent allows a magistrate judge rather than a district judge to resolve the case, but does not grant the Court jurisdiction that it lacks under the FOIA statute.